

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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BRADLEY STEPHEN COHEN, et al.,

Plaintiffs,

v.

ROSS B. HANSEN, et al.,

Defendants.

Case No. 2:12-cv-01401-JCM-PAL

ORDER

(Mot Set Pretrial Conf – Dkt. #196)

Before the court is Plaintiffs' Second Motion to Set Pretrial Conference (Dkt. #196). Having reviewed the motion, the court will address it without waiting for a response or reply.

Plaintiffs request a pretrial conference pursuant to Fed. R. Civ. P. 16(a)(1)(A) , LR 16-1 and LR 16-2 to expedite disposition of this case and set the matter for trial. The district judge denied Plaintiffs' first motion to set a pretrial conference because a dispositive motion was pending. On May 22, 2014, the district judge entered an Order (Dkt. #181) denying Defendants' motion for summary judgment without prejudice because it addressed issues of damages which were in motion practice before the undersigned. The undersigned held a hearing on Defendants' motion to exclude evidence of Plaintiffs' actual damages and issued an order which resulted in Plaintiffs filing simultaneous Motions for Clarification (Dkt. #179) and for Reconsideration (Dkt. #180). These motions triggered further briefing which caused the district judge to deny the motion for summary judgment without prejudice.

On October 1, 2014, the district judge entered an Order (Dkt. #195) denying Plaintiffs' objections to the undersigned's May 8, 2014, order excluding evidence of Plaintiffs' special damages and order denying Plaintiffs' motion for leave to subpoena a deposition of Chris C. Keenan. Defendants have not refiled a motion for summary judgment. Plaintiffs therefore ask for a pretrial hearing to set a trial date and expedite the disposition of this case.

1 After three extensions of the discovery plan and scheduling order deadlines, discovery in
 2 this case closed October 15, 2013. *See* Stipulation and Order (Dkt. #99). Extensive motion
 3 practice ensued. All pending motions have now been decided, including objections to the
 4 undersigned's orders. Defendants did not refile a motion for summary judgment after the district
 5 judge's October 1, 2014, order denying Plaintiffs' objections to the undersigned's order
 6 excluding evidence of Plaintiffs' special damages.

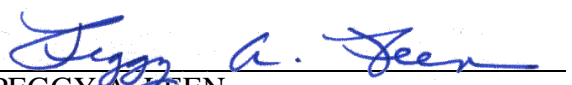
7 In this district, the Local Rules of Practice are structured to require the parties to submit a
 8 joint pretrial order thirty days after decision of dispositive motions. *See* LR 26-1(e)(5). The
 9 parties' third stipulation to extend the discovery plan and scheduling order deadlines requested a
 10 fifteen day extension of the deadline to complete discovery, but did not contain deadlines for
 11 filing dispositive motions or the joint pretrial order. A trial date has not yet been set because
 12 filing the pretrial order with the court is the document that generates a trial setting.

13 LR 16-3(c) provides: "Upon the initiative of counsel for Plaintiff, counsel who will try
 14 the case and who are authorized to make binding stipulations shall personally discuss settlement
 15 and prepare and lodge with the court a proposed joint pretrial order containing" The form
 16 of pretrial order is set forth in LR 16-4. The last portion of the form of pretrial order required in
 17 this district is the action taken by the court to set the matter for jury trial. As counsel for
 18 Defendants has not refiled a motion for summary judgment within thirty days of the district
 19 judge's October 1, 2014, order, and counsel for Plaintiff has not yet initiated the process for
 20 preparing and lodging a proposed pretrial order, the court will set a deadline.

21 **IT IS ORDERED** that:

- 22 1. The parties shall have until **January 2, 2015**, in which to file a joint pretrial order
 23 which fully complies with the requirements of LR 16-3 and 16-4.
- 24 2. Plaintiffs' Second Motion to Set Pretrial Conference (Dkt. #196) is **DENIED** as the
 25 court will set a trial date once the parties submit a joint pretrial order.

26 DATED this 3rd day of December, 2014.

27 
 28 PEGGY A. LEEN
 UNITED STATES MAGISTRATE JUDGE